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Ralf Neuhaus

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INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

ELLIOTT IV, BENJAMIN H

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,676	Applicant(s) NEUHAUS ET AL.	
	Examiner BENJAMIN ELLIOTT	Art Unit 4144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-32 is/are rejected.
- 7) ☒ Claim(s) 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/24/2006, 1/22/2008, 9/29/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 17-33 have been examined and are pending.

Information Disclosure Statement

2. Initialed and dated copies of the applicants' IDS form 1449 submitted on 3/24/2006, 1/22/2008, 9/29/2008 are attached to the instant office action.

Claim Objections

2. Claim 21 is objected to because of the following informalities: The limitation states: "...wherein response message is sent by the sought client." Examiner is unsure if the word "response" should be preceded by the word "a" or the word "the". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 17, 18, 26-28, and 30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US Patent Publication 2003/0095546 A1 by Sakano (hereinafter "Sakano").

As per Claim 17, Sakano discloses **a method for setting up a communication link between selected among a plurality of clients in a directly communicating communication network** ([0032]. Each terminal contains a peer-to-peer communication subsection for transmitting and receiving data between clients in a communication system. Figure 10 shows multiple terminals to connect for peer-to-peer connections.), **comprising:**

storing client address information in a distributed form for the plurality of clients ([0032]. Each peer-to-peer terminal contains storage for IP addresses.);

transmitting a broadcast request message from a searching client ([0042]. The main control assembles IP packets used for requesting the establishment of a connection.);

receiving a response message comprising a client address information item from a client having received the broadcast message ([0043]. The intended terminal responds with an IP address. The IP address of the intended terminal is received in the destination data storage of the calling terminal. (Example is made in the reference to establish a call between terminals 10a and anyone of 10b through 10d (See Figures 10 and 3, and paragraphs [0041-0043].). In this case, calling terminal is 10a, and the intended terminal is 10c, but could be any one of 10b-10d.);

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and sending signaling information including the client address information item, the signaling information used for setting up the communication link between the calling client and a client indicated by the client address information item ([0043]. The IP address of the intended terminal (client address information item) is sent to the calling terminal (calling client).).

As per Claim 18, Sakano discloses **the method according to claim 17, further comprising:**
responding to the broadcast message via a response message by the client having received the broadcast message ([0041]. The calling terminal, 10a, interrogates multiple terminals, 10b-10d, to establish a connection (this is broadcasting.). [0048]. The called terminal, 10c, responds with a transmission of its own IP address.).

As per Claim 26, Sakano discloses **the method according to claim 17, further comprising: wherein the stored client address information describes clients in a group** ([0032]. Each peer-to-peer terminal contains storage for IP addresses. [0043]. The IP address of the intended terminal (client address information item) is sent to the calling terminal (calling client).), **and wherein the communication link is set up to a sought client having transmitted the response message first** ([0043]; Figure 10. If any of the terminals 10b-10d respond to the message, then that called terminal was located. [0044]. A speech connection is then set-up between the calling terminal, 10a, and the called terminal, 10c.).

As per Claim 27, Sakano discloses the method according to claim 26, **wherein the calling client is the searching client** (Figure 10. Reference is made to the terminals in Figure 10, wherein any one of the terminals may be the caller the searching client, or the destination client. [0032]. Terminal 10a can either originate or receive a call.).

As per Claim 28, Sakano discloses **the method according to claim 27, further comprising:**
responding to the broadcast message via a response message via the client having received the broadcast message ([0043]. The intended terminal responds with an IP address. The IP address of the intended terminal is received in the destination data storage of the calling terminal.),
wherein an order among the clients in the group assigned to transmit a response message is stipulated, and
wherein the call signaling is effected on these clients in succession ([0052]. When conducting the search for clients to connect with, a searching operation for each client device checks storage of other devices for IP addresses that have been generated at random or in sequence.).

As per Claim 30, Sakano discloses **the method according to claim 17, wherein the client address information item in the response message is stored by the searching client in a database, and**
wherein the database is accessed in order to set up the communication link ([0049]. Each terminal contains its own database for storing IP addresses, allowing for direct connections between terminals.).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of

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35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 19-25, 29, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakano, and further in view of US Patent 6,144,671 by Perinpanathan et al (hereinafter "Perinpanathan").

As per Claim 19, Sakano discloses **the method according to claim 17, further comprising: sending signaling information including client address information item formed from the stored information that relates to a sought client** ([0041]. The calling terminal has the IP address of the destination terminal stored in the IP address storage component of the calling terminal.), the signaling information sent to the sought client prior to broadcasting ([0035]. The destination data storage of each terminal produces packets that are forwarded to preliminarily called destination devices.), **wherein the signaling information is rejected or not answered within a time period by the sought client** ([0046]. The calling terminal receives packets indicative of connection failure with the destination terminals.), **wherein the broadcasted request message includes an identifier for the sought client** ([0043]. The calling terminal transmits a packet containing the IP information pertaining to the destination terminal. This message is sent to devices 10b-10d from device 10a in the embodiment of the invention.), **and wherein the client address information item in the response message is for a call diversion destination client.**

Sakano is silent on including in the response message, address information relating to a call diversion client.

However, Perinpanathan discloses a call redirection method in a packet based communication network, wherein peer connections can be made in the network (Col. 16, lines 16-19). The table in col. 17, lines 55-67, and col. 18, lines 1-14, describes a scenario in which the invention applies. The called terminal (200, with reference to Figure 10, as well) receives the call set-up request from caller host, 70. The called terminal broadcasts the request to terminals 202, 204, and 206 to receive acceptance. The called terminal then sends a call diversion message (redirect message; col. 19, lines 26-30) to the caller host upon acceptance from either one of 202-206 terminals.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Sakano to include the address of a call diversion client in a response message taught by Perinpanathan, to increase the travel time associated with packet routing by means of bypassing an intermediary or server (Col. 16, lines 39-43), and to efficiently set-up a call signaling channel between a calling terminal and a destination terminal with minimal variations in the messaging sequence (Col. 16, lines 51-53).

As per Claim 20, Sakano discloses **the method according to claim 19, wherein the searching client is the calling client** ([0041]. The calling terminal, 10a, acts as a searching client when it interrogates each of the possible destination clients, 10b-10d.).

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As per Claim 21, Sakano discloses **the method according to claim 20, wherein response message is sent by the sought client** ([0043]. The intended terminal responds with an IP address. The IP address of the intended terminal is received in the destination data storage of the calling terminal.).

As per Claim 22, Sakano is silent on **the method according to claim 17, further comprising:**
calling the searching client from a calling client prior to broadcasting,
where the searching client belongs to a call transfer group, and
transferring the call using the stored client address information that describes clients in the call transfer group.

However, Perinpanathan discloses the call distributor terminal (searching client), 200, receives a set-up message from the caller host (calling client), 70 prior to broadcasting to the agent terminals, 202-206 (Figure 10 and table beginning in col. 17). Perinpanathan further discloses that the call distributor terminal (searching client) is part of the transfer group (Col. 17, lines 27-33. The call distributor, 200 is part of the agent terminals, 200-206, that are part of the call transfer group. The call distributor replies to the caller host (calling terminal), 70, with the call transfer message (Col. 17, lines 34-36). Perinpanathan goes on to teach information about the transfer clients is received and the connection is set-up based on the address information supplied in the message (Col. 20, lines 34-39. The user to user data field contains information about the called party, sent by the calling party.).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Sakano to include calling a searching client prior to broadcasting and transferring the call based on the stored information sent by the caller taught by Perinpanathan to efficiently set-up a call signaling channel between a calling terminal and a destination terminal with minimal variations in the messaging sequence (Col. 16, lines 51-53).

As per Claim 23, Sakano is silent on **the method according to claim 22, wherein the broadcast request message is transmitted to at least the call transfer group clients** (Col. 19, lines 1-4. the selected members of the agent terminals, 202-206, receive a call offer message that contains information about the call.), **excluding the searching client** (Col. 18, lines 43-50. In the example, the searching client, 200, is part of the call transfer group, but is excluded do to the fact it is the searching client.), **described in the stored information** (Col. 20, lines 34-39. The user to user data field contains information about the called party, sent by the calling party.).

However, Perinpanathan discloses the selected members of the agent terminals, 202-206, receive a call offer message that contains information about the call (Col. 19, lines 1-4.). Perinpanathan further discloses in the example, the searching client, 200, is part of the call transfer group, but is excluded do to the fact it is the searching client (Col. 18, lines 43-50). Perinpanathan goes on to teach the user to user data field contains information about the called party, sent by the calling party (Col. 20, lines 34-39).

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Examiner supplies the same rational to combine the teachings of Sakano with the teachings of Perinpanathan as in Claim 22.

As per Claim 24, Sakano is silent on **the method according to claim 23, wherein the sought client is a client in the call transfer group, wherein the response message is received from the sought client, wherein the client address information item in the response message is for the sought client, and wherein the communication link is setup between the calling client and the sought client.**

However, Perinpanathan discloses the call distributor terminal, 200, which is part of the call transfer group first determines it is not the sought client (Col. 18, lines 60-65; Figure 10). Then the call distributor sends a broadcast message to the group selected in the call transfer group, 202-206 (Col. 19, lines 1-4). In the example, terminal 204 acknowledges the message, and is therefore the sought client (Col. 19, lines 25-26). The preceding pertains to the limitation **wherein the sought client is a client in the call transfer group.**

With regards to the limitation **wherein the response message is received from the sought client**, Perinpanathan discloses the call distributor receives all acceptance messages (Col. 19, lines 11-12). The call distributor then sends the redirect message to the original caller (Col. 19, lines 27-28).

With regards to the limitation **wherein the client address information item in the response message is for the sought client**, Perinpanathan

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discloses the message contains the address of terminal 204, the sought client (Col. 19, lines 29-30; Figure 10).

With regards to the limitation **wherein the communication link is setup between the calling client and the sought client**, Perinpanathan teaches a voice path is made between the calling party and terminal X, in this case, terminal 204. (continuation of table in Col. 18, top of page, last lines of table; Figure 10).

Examiner supplies the same rational to combine the teachings of Sakano with the teachings of Perinpanathan as in Claim 22.

As per Claim 25, Sakano is silent on **the method according to claim 18, further comprising: calling the searching client from the calling client prior to broadcasting, wherein the stored client address information describe clients in a call transfer group, wherein the broadcast request message is transmitted to the call transfer group clients described in the stored information, and wherein the clients involved in the communication link are in a free operating state at a start of the signaling.**

However, with regards to the limitation **calling the searching client from the calling client prior to broadcasting, wherein the stored client address information describe clients in a call transfer group**, Perinpanathan teaches the calling party, 70, sends a set-up request message to terminal 200, the call distributor (Col. 18, line 60, Figure 10). Terminal 200 (searching client) then

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sends an offer message to likely terminals that will receive the message to set-up a connection (Col. 19, lines 1-20).

With regards to the **limitation wherein the broadcast request message is transmitted to the call transfer group clients described in the stored information**, Perinpanathan teaches the message contains information that describe the call (Col. 19, lines 1-2).

With regards to the limitation **wherein the clients involved in the communication link are in a free operating state at a start of the signaling**, Perinpanathan teaches at least one of the terminals, 202-206, is available to receive calls (Figure 10).

Examiner supplies the same rational to combine the teachings of Sakano with the teachings of Perinpanathan as in Claim 22.

As per Claim 29, Sakano discloses **the method according to claim 27, further comprising:**
responding to the broadcast message via a response message via the client having received the broadcast message (Sakano; [0043]. The intended terminal responds with an IP address. The IP address of the intended terminal is received in the destination data storage of the calling terminal.),
wherein the call signaling on the clients is effected simultaneously.

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However, Perinpanathan discloses one or more called terminals may respond to the request message, thus effecting one or more terminals at the same time (Col. 23, lines 15-17.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Sakano to include effecting the call signaling of the called clients simultaneously taught by Perinpanathan to efficiently set-up a call signaling channel between a calling terminal and a destination terminal with minimal variations in the messaging sequence (Col. 16, lines 51-53).

As per Claim 31, Sakano is silent on **the method according to claim 17, wherein the broadcast message comprises at least one filter criterion for selecting particular clients, and wherein the response message is transmitted from a respective client that meet the at least one filter criterion.**

However, Perinpanathan discloses one form of distribution logic called automatic call distribution logic is used to separate the group of called terminals into sub-groups based on a particular criterion, in this case, addresses (Col. 18, lines 30-35).

Examiner supplies the same rational to combine the teachings of Sakano with the teachings of Perinpanathan as in Claim 22.

As per Claim 32, Sakano is silent on **the method according to claim 17, wherein the broadcast message comprises at least one filter criterion for selecting particular clients, and**

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wherein the response message is transmitted from a respective client having a property which meet the at least one filter criterion.

However, Perinpanathan discloses one form of distribution logic called automatic call distribution logic is used to separate the group of called terminals into sub-groups based on a particular criterion, in this case, addresses (Col. 18, lines 30-35).

Examiner supplies the same rational to combine the teachings of Sakano with the teachings of Perinpanathan as in Claim 22.

Allowable Subject Matter

9. Claim 33 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. Prior art made of record and not relied upon include:

US Patent Publication 2002/0143989 A1 by Huitema et al discloses a peer-to-peer resolution protocol ensuring convergence in a network.

US Patent Publication 2002/0086710 by Humes discloses a linked list calling feature in a calling device.

US Patent publication 2002/0136182 by Bardehle discloses Method and device for call diversion via an agent in a communications system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN ELLIOTT whose telephone number is (571)270-7163. The examiner can normally be reached on Monday thru Thursday, 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on 1-571-272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. E./
Examiner, Art Unit 4144

/Taghi T. Arani/

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Supervisory Patent Examiner, Art Unit 4144